



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of

Sheerer et al.

Atty. Ref.: 10-1470

Reissue of Patent No.: 6,375,796

Granted: April 23, 2002

For: **METHOD OF TREATING MATERIAL IN  
A CONTINUOUS DIGESTER**

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REISSUE DECLARATION OF JAY SHEERER, JOSEPH  
PHILLIPS, JERRY JOHANSON AND JOHN PIETRANGELO  
PURSUANT TO 37 CFR §1.175**

The undersigned, hereby say and declare:

1. Our residence post office addresses and citizenships are as stated below next to our signatures.
2. We believe that we are the original, first and joint inventors of the subject matter of the invention entitled "METHOD OF TREATING MATERIAL IN A CONTINUOUS DIGESTER" as described and claimed in U.S. Patent 6,375,796 (hereinafter "the '796 patent") which issued on April 23, 2002 and for which a reissue patent is sought. Further, we believe that we are the original, first and joint inventors of the subject matter which is described and claimed in the '796 patent, for which a reissue patent is sought.

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3. We reviewed and understand the contents of the above identified reissue application including the original claims, the amended claims and new claims 18 to 22 added in this reissue application. The contents of this reissue application, including the claims, written specification, drawings and abstract, are attached to this declaration.

4. We claim the benefit under 35 U.S.C. §120 of United States Application Serial No. 08/953,880 filed October 24, 1997, and now U.S. Patent 6,129,816.

5. We acknowledge our duty to disclose information of which we are aware that is material to the examination of the reissue application in accordance with 37 CFR §1.56.

6. On information and belief, we each do not know and do not believe that the invention that is the subject of the claims of this application was ever known or used in the United States before our invention thereof, or patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application, or in public use or on sale in the United States more than one year prior to the original application; that this invention had not been patented or made the subject of an inventor's certificate in any country foreign to the United States prior to the date of the original application on an application filed by us, our legal representative or Assignee more than 12 months before their original application.

7. We believe that the '796 patent is wholly or partly inoperative or invalid by reason of an error in claim 13 thereof, and errors in claiming less than we had a right to claim in the '796 patent. For example, we believe that it was an error to restrict the scope of claim 13 by the limitation "having a substantially constant screen surface

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opening size", to not include screening claims directed to screening with bars, and to not include claims to a method of screening in a vertical digester have a series of cylindrical sections separated by diameter expansion sections, where each diameter expansion section includes a tapered screen.

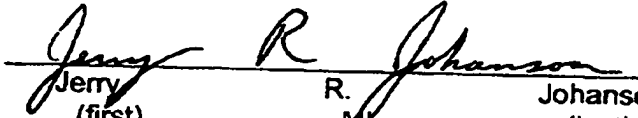
8. All of the errors being corrected in this reissue application up to the time of the filing of this declaration arose without any deceptive intent.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1.	Inventor's Signature:	Date: _____		
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3. Inventor's Signature:  Date: April 27, 2004  
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4. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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